IN THE DISTRICT COURT OF GUAM TERRITORY OF GUAM CRIMINAL MINUTES

(SEALED)

JUN 24 2005

DISTRICT COURT OF GUAM

MARY L.M. MORAN

CLERK OF COURT TIME: 10:13 a.m. CASE NO. CR-05-00053-002 DATE: 06/24/2005 HON. JOAQUIN V.E. MANIBUSAN, JR., Magistrate Judge Law Clerk: Judith Hattori Courtroom Deputy: Virginia T. Kilgore Court Reporter: Wanda M. Miles CSO: J. Lizama / N. Edrosa Hearing Electronically Recorded: 10:13:57 - 10:22:04 ATTY: JOHN GORMAN DEFT: ERIC M. APONIK (X) PRESENT () CUSTODY () BOND (X) P.R. (X) PRESENT () RETAINED (X) FPD () CJA APPOINTED U.S. ATTORNEY: RUSSELL STODDARD AGENT: CRAIG HALES, U.S. POSTAL INSPECTOR U.S. MARSHAL: J. CURRY U.S. PROBATION: CHRISTOPHER DUENAS () SWORN LANGUAGE: ____ () PREVIOUSLY SWORN INTERPRETER: PROCEEDINGS: INITIAL APPEARANCE RE INDICTMENT / ARRAIGNMENT () COMPLAINT READ TO DEFENDANT (X) FINANCIAL AFFIDAVIT REVIEWED AND ACCEPTED: FEDERAL PUBLIC DEFENDER, ATTORNEY APPOINTED (X) DEFENDANT SWORN AND EXAMINED: AGE: HIGH SCHOOL COMPLETED: 12th Grade____ (X) DEFENDANT ARRAIGNED AND ADVISED OF HIS RIGHTS, CHARGES AND PENALTIES () REMOVAL/IDENTITY HEARING () CONDUCTED () WAIVED () SET FOR:_____ () WARRANT OF REMOVAL ISSUED) GOV'T SUMMARIZES THE EVIDENCE () GOV'T SUBMITS TO THE PLEA AGREEMENT (X) COURT QUESTIONS DEFENDANT REGARDING HIS PHYSICAL AND MENTAL CONDITION, AND ADVISES DEFENDANT OF THE NATURE AND POSSIBLE CONSEQUENCES OF SAID PLEA (X) DEFENDANT WAIVES READING OF () COMPLAINT () INFORMATION (X) INDICTMENT (X) PLEA ENTERED: () GUILTY (X) NOT GUILTY - TO: COUNTS I AND II) COUNT(S) _____ DISMISSED ON GOVERNMENT'S MOTION) PLEA AGREEMENT FILED: _____ PLEA: () ACCEPTED () REJECTED) COURT ORDERS PLEA AGREEMENT SEALED) COURT REJECTS PLEA AGREEMENT AND REFERS IT TO: _____ FOR RECOMMENDATION.) SENTENCING DATE: () STATUS HEARING: _____ at) PRESENTENCE REPORT ORDERED AND DUE:) PRELIMINARY EXAMINATION SET FOR:) ARRAIGNMENT SET FOR: (X) TRIAL SET FOR: AUGUST 8, 2005 at 9:30 A.M. PROCEEDINGS CONTINUED TO: (X) DEFENDANT TO BE RELEASED ON BOND (see release conditions on page 2) () DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL SERVICE FOR () PROCESSING () DETENTION () DETENTION HEARING REQUESTED BY _ GOV'T _ DEFT IS SET FOR:__ () DEFENDANT RELEASED ON BAIL AS PREVIOUSLY ORDERED BY THIS COURT NOTES: Defense had no objection to the proposed pretrial release conditions, however, he requested the Court to allow his client to travel to ports of entry and exit for purposes of employment. No objection. GRANTED. The Court admonished the Defendant to abide by the conditions set by the Court.

Courtroom Deputy:

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Additions	Conditions	of Release

	ı		Authoral Conditions of Acteuse
	Uı	oon fin	ding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the
	co	mmuni	ity.
T IS F	UR'		ORDERED that the release of the defendant is subject to the conditions marked below:
)	(6)		e defendant is placed in the custody of:
		(Na	me of person or organization)
		(Ad	idress)
		(Ci	ty and state) (Tel. No.)
vho ag	rees	(a) to s	supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the efendant at all scheduled cour
rocee	ling	s, and ((c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.
			Signed: Custodian or Proxy Date
			Custodian or Proxy Date
X .)	(7)	The	defendant shall:
	(>	-) (a)	report to the Juport 70 rai 4.5 Probation Office as airection
			report to the Neport to the U.S. Probation Office as directed telephone number , not later than execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:
	() (b)	execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:
	() (c)	post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described
			·
	() (d)	execute a bail bond with solvent sureties in the amount of \$
		〈) (c)	maintain or actively seek employment.
	-) (f)	maintain or commence an education program.
		(g) (g)	surrender any passport to: Clink of Count, 4th Floor, U.S. District Court of Guam
		() (h)	obtain no passport. abide by the following restrictions on personal association, place of abode, or travel:
	() (i)	abide by the following restrictions on personal association, place of abode, or davel.
	~ /		avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or
	ヘン	() (j)	prosecution, including but not limited to:
			prosecution, including out not installed to.
			A STATE OF THE STA
	() (k)	undergo medical or psychiatric treatment and/or remain in an institution as follows:
	() (I)	return to custody each (week) day as ofo'clock after being released each (week) day as ofo'clock for employment,
			schooling, or the following limited purpose(s):
	(1 3 .1	maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer. refrain from possessing a firearm, destructive device, or other dangerous weapons.
			refrain from (×) any () excessive use of alcohol.
) (o)) (p)	refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical
	· ^	<i>)</i> (P)	practitioner.
	X) (q)	submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited
	`/-		substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or
			any form of prohibited substance screening or testing.
	() (r)	participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising
			officer.
	(refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
	,		participate in one of the following home confinement program components and abide by all the requirements of the program which () will or
	() (t)	() will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability
			to pay as determined by the pretrial services office or supervising officer.
			() (i) Curfew. You are restricted to your residence every day () from to, or () as directed by the pretrial
			services office or supervising officer; or
			() (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse,
			or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services
			office or supervising officer; or
			() (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court
			appearances pre-approved by the pretrial services office or supervising officer. report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited
	,	, ,	to any greet questioning or traffic ston
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()	(x) _	